IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5151 OF 2004

Jitendra Maruti Kate & Anr. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr.Pravin B.Gaikwad for Applicants.

Mr.A.S.Gadkari, A.P.P. for Respondent No.1.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 13, 2004.

P.C.

1. The only point canvassed before this Court is that the Complainant was not a depositor and if it is so, she had no locus to invoke the provisions of Maharashtra Prevention of Interest of Depositors (In Financial Establishment) Act, 1999. To buttress this contention, reliance was placed on Section 3 of the Act. However, even on fair reading of the said provision, there is nothing to suggest that the offence is to be registered only

if it is reported by the depositor. Whereas there is substance in the argument canvassed on behalf of the State by the learned A.P.P. that Section 4 of the Act which deals with matter of attachment of properties is an indication that "any person" can give information to set in motion action permissible by law. Section 4 of the Act provides that where upon complaints received from the depositors or "otherwise", which presupposes that even person other than depositor can be an informant of the Government, which in turn, upon being satisfied about the conditions specified in Section 4 of the Act, can proceed to take action against the establishment as provided by that Act. In other words, there is nothing in the Act to restrict the scope of Section 3 of the Act to mean that it can be invoked only when the information is given by the depositors and not otherwise. Since no other contention is raised, dismissed.

A.M.KHANWILKAR, J.